

Report of the Assistant Director Waste, Fleet & Transport Services to the meeting of the Bradford District Licensing Panel to be held on 5 October 2023

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Subject:

Application for a Premises Licence for Red Sea Restaurants Bradford, 90-92 Morley Street, Bradford, BD7 1AF.

Summary statement:

Application for the grant of a premises licence for the sale of alcohol for consumption on the premises and the provision of regulated entertainment indoors.

EQUALITY & DIVERSITY

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.

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Overview & Scrutiny Area:
Corporate

1. SUMMARY

The application is for the grant of a premises licence for the sale of alcohol for consumption on the premises and the provision of regulated entertainment indoors.

2. BACKGROUND

2.1 The applicant

Mr Kibrom Mahari. A copy of the application is included at Appendix 1.

2.2 The Premises

Red Sea Restaurants Bradford, 90-92 Morley Street, Bradford, BD7 1AF.

2.3 Proposed Designated Premises Supervisor

Mr Kibrom Mahari.

2.4 Application

The application is for the grant of a Premises Licence. The operating schedule describes the following as the relevant licensable activities applied for:

- Sale of alcohol
- Provision of regulated entertainment

Hours of licensable activities:

Sale of alcohol

Monday to Sunday: 06.30 to 04.30

Provision of regulated entertainment – playing of recorded music

Monday to Sunday: 09.00 to 04.00

2.5 Steps proposed by the applicant to address the Licensing Objectives

a) Prevention of crime and disorder will be achieved by:

On Friday to Sunday from 8pm onwards – a search policy will be upheld to any customers entering the premises. No search to entry – in a bid to make sure no knife, weapons, drugs or alcohol can be sneaked into premises to ensure our premises is safe. Signs will be clear regarding no drugs or weapon allowed in premises. Furthermore, as previously stated, a CCTV system will be maintained at the premises and will have capability to record and save for 30 days. A member of staff shall be trained on how to provide copies to police officers, where a request is received that complies with the requirements of the Data Protection Act 2003 and any other legislation covering the disclosure of

recorded material. An incident book will be maintained to record details of any incidents in the premises that relate to the licensing objectives, in particular any refusals of sales of alcohol.

Signage will be displayed at the exit to the premises that advises customers that they must not take open alcoholic beverages from the premises.

Lastly security staff is deployed automatically if we reach 30 customers – to maintain safety, prevent crime and disorder. On weekends Friday to Sunday – security staff will be working from 8pm till close.

b) Public safety will be achieved by:

Exit doors are regularly checked to see that they are satisfactory functioning. All fire exits and means of escape are visibly signed. Evacuation policy is in place and all staff are trained and aware of this policy. Adequate and appropriate equipment is available on premises along with at least 1 trained first aider who will be on duty when premises are open for public. As the premises will be selling alcohol, our first aider will be trained to deal with alcohol related problems. Free drinking tap water will be available at any time customer would request for it. Our premises has 2 fire exits – 1 at the front and second at the back that is very clear to see and has signage & lighting. Restaurant can seat up to 20 customers comfortably. The lounge area upstairs can seat up to 30 customers comfortably. Our premises can easily hold up to 70 customers, but that would not be sustainable with our staff arrangement, security and services. Our company policy and max number of customers at 1 time is 40 customers as it is manageable, safe and we as a company can still maintain control and great service.

c) Prevention of public nuisance will be achieved by;

Staff from the premises shall regularly monitor the exterior of the premises in an attempt to identify persons loitering in the area who may have purchased alcohol from the premises or appear to be accompanied by a person who has purchased alcohol from the premises. Where such persons are identified they will be requested to leave the area. Customers are only allowed to eat and drink inside of the premises – they are not permitted to take bottles or enjoy beverages outside. If they do go outside with a beverage they will be warned once and informed of company policy. Should they do it again they will be escorted out and drink taken away from them. Every hour, staff will be directed to do general clean up and pick up any trash left or bottle left empty or unattended to keep premises clean and reduce mess. Music will not be amplified or blasted from speakers – music will be played from a computer or the TV – so it won't be amplified commercially and will be more than reasonable level. Music will be calming, relaxing and no heavy beating music – as the atmospheres we want to create is a relaxing place for customers to have food and drink. Music will be half in sound or considerably lower from 23.30pm until close to reduce any bother and be considerate to our commercial area/businesses around. Any loads or commercial deliveries will be done during the day after 9am to minimise any noise or any issues it may arise at late hours. Patrons will be given lollipops or sweets as well as reminded by a notice at the exit of restaurant to remind them to leave quietly. The reason lollipops and sweets will be given after a meal or after they leave the lounge – it will keep their

mouth busy and that will aid with noise control (customers not been too loud on way out as they eating or sucking on lollipop).

Lastly, all windows will be closed form licensable areas from 23.30pm in bid to minimise disturbance and to make sure no outside influence can affect our premises/customers – vice versa.

d) Protection of children from harm will be achieved by;

Children under 18 will be permitted in the restaurant downstairs for the sole purpose to eat, order food or have non-alcoholic beverages. However, no one under the age of 18 years old will be allowed upstairs where there will be a lounge and people drinking alcohol. Proof of age scheme, eg "Challenge 21", will be in place. Staff are trained and will question anyone that may look under 21 to show their ID if they order alcohol or want to go upstairs to the lounge area. No gambling machine, gambling, nudity, restricted films will be played, displayed or available at our premises. Should a child under 18 years come for the purpose of the restaurant to buy food, staff will be present throughout time they came to the time they leave, staff will also be noticeable for the minor – staff will also explain to child they are not allowed upstairs too. Lastly every staff already have been DBS checked and new hired staff will be DBS checked (with yearly automatic checks).

e) General – all four licensing objectives

Every staff will be provided with training in relation to the licensing objectives that are needed for their duties. This will include the individual's responsibilities, age verification and licensing offences, as appropriate. To make sure this is complied with, a DPS will be present every day and a minimum of 2 personal licence holder will be present working to further solidify company policies and licensing objectives are being followed appropriately. Fortnightly training will be held in regard of the licensing objectives and keeping up with any new laws to make sure staff are up to date with perhaps new legislation and how to deal or look for signs of potential troublemakers or when a customer has had enough to drink – this will all be logged in a training book. Furthermore, CCTV will be installed around the premises and inside where licensable activities will take place such as the restaurant and lounge area. The CCTV will record for minimum of 30 days. Sia security guards will be present during the weekend – Friday, Saturday and Sunday from 8pm onwards. Also, any evening where more than 30 customers are present – SIA security guards will be automatically deployed to ensure safety and no issues arise.

2.6 Relevant Representations Received

Responsible Authorities

A representation has been received from the Environmental Health Department which has previously received noise-related complaints concerning loud amplified music at this premises.

The Environmental Health Officer will not support this application unless it is supported by a report made by a suitably qualified acoustic consultant. The report

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should address the likely impact of the amplified music upon the occupiers of nearby dwellings.

As a general principle, Environmental Health seeks that music and noise from customer activity (talking, shouting and applauding) emanating from entertainment premises (including external areas such as balconies, gardens and smoking areas) should not be audible within any noise sensitive premises.

The representation is attached at Appendix 2.

3. OTHER CONSIDERATIONS

Legal Appraisal

3.1 The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- a) the prevention of crime and disorder
- b) public safety
- c) the prevention of public nuisance
- d) the protection of children from harm

3.2 The Council must also have regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.

3.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.

3.4 Only "relevant representations" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.

3.5 Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

Statement of Policy Issues

3.6 The following parts of the Licensing Policy are of particular importance; Part 6 (prevention of public nuisance).

3.7 The Annexes to the Policy sets out various types of model condition that could be considered.

4. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management and governance implications.

6. LEGAL APPRAISAL

Referred to in part 3 of this report.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

The Council has to comply with the public sector equality duty in S.149 Equality Act 2010.

7.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

7.4 COMMUNITY SAFETY IMPLICATIONS

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 3.1 of this report.

7.5 HUMAN RIGHTS ACT

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state’s right to control the use of property in accordance with the general interest. The Council’s powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant’s rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels’ usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

7.6 TRADE UNION

Not applicable.

7.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE

There are no apparent implications.

7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

There are no apparent implications.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

9.1 Members may:

- (a) Grant a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
- (b) Grant a premises licence subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
- (c) Refuse the application for a premises licence.

9.2 Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the certificate or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

10. RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and, after hearing individuals, bodies or businesses, determine the related application.

11. APPENDICES

1. Application form received 15 August 2023. In the interests of economy this document has been sent to Members of the Panel only. A public inspection copy is available in Committee Secretariat, Room 112, City Hall, Bradford).
2. Representation from Environmental Health.

12. BACKGROUND DOCUMENTS

Application form, plan etc.